REMARKS

The Office Action dated December 31, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Status of the Claims

Claims 1-5, 7-15, 17 and 19 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 1-21 are currently pending in the application and are respectfully submitted for consideration.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that claims 5, 7 and 12 would be allowable if rewritten in independent form. Applicant kindly thanks the Examiner for the assistance and respectfully submits that claims 1-4, 6, 8-11 and 13-21 are also allowable over the cited art.

Rejection under 35 U.S.C. § 103

Claims 1-4, 6, 8-11 and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pimentel (U.S. Publication No. 2003/0214970) in view of Arques et al. (U.S. Publication No. 2004/0131083). The Office Action took the position on pages 2-8 that the combination of Pimentel and Arques et al. teaches the features of the rejected claims. Applicant respectfully submits that Pimentel and Arques et al., both individually and in combination, fail to teach or suggest the features of the current claims. Reconsideration of the claims is respectfully requested.

Independent claim 1, from which claims 2-8 and 16-18 depend, recites a method including utilizing a bearer independent protocol between a server and user equipment in a transmission of a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the messages. The bearer independent protocol is above a bearer protocol in a protocol stack.

Independent claim 9, from which claims 10-12 depend, recites a system including a first system having a first structure for messaging service messages, a second system having a second structure for the messages, and a server via which a message is transmitted from the first system to the second system. The server is configured to utilize a bearer independent protocol in the transmission of the message from the first system to the second system. The bearer independent protocol is above a bearer protocol in a protocol stack.

Independent claim 13, from which claims 14 and 15 depend, recites an apparatus including a processor configured to utilize a bearer independent protocol in the transmission of a message from a first system having a first structure for messaging service messages to a second system having a second structure for the messages. The bearer independent protocol is above a bearer protocol in a protocol stack.

Independent claim 19, from which claims 20 and 21 depend, recites an apparatus including utilizing means configured to utilize a bearer independent protocol in transmission of a message between a sender of the message and a receiver of the

message. The bearer independent protocol is above a bearer protocol in a protocol stack. The apparatus is used for transmitting a messaging service message from the sender in a first system having a first structure for messages to the receiver of a second system having a second structure for the messages.

As will be discussed below, Pimentel and Arques et al., both individually and in combination, fail to teach or suggest the features of the presently pending claims.

Pimentel generally discusses "a wireless application gateway for communicating between a wireless device and a backend system" (paragraph [0014]).

> The wireless application gateway comprises an application programming interface receiving a mobile-terminated message from the backend system and sending a formatted mobile-originated message to the backend system, a routing layer selecting a first protocol using a characteristic of the mobile-terminated message, a protocol layer generating a formatted mobile-terminated message using the first protocol and generating the formatted mobile-originated message using a second protocol, a transport layer sending the formatted mobile-terminated message to a short message service center and receiving the mobile-originated message, and a configuration file comprising a parameter used to choose the first protocol and the second protocol, wherein the mobile-terminated message is sent to the wireless device using a static identifier of the wireless device and the mobile-originated message is sent to the backend system using a dynamic identifier of the wireless device.

(*Id.*).

Arques et al. generally discusses "a method for transmitting data in a non-connected mode by means of a mobile station comprising a step of determining the maximum data packet transmission size" (paragraph [0001]). "The invention relates more specifically to a method for transmitting data according to a communication

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protocol from a mobile station composed of a smart card (SIM) associated with host mobile equipment" (paragraph [0019], of Arques et al.). The protocol is "organised in several layers, including at least one data transport layer of the datagram type able to transmit in their entirety data packets of a maximum size" (*Id.*).

Independent claim 1 recites "utilizing a bearer independent protocol between a server and user equipment in a transmission of a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the messages, said bearer independent protocol being above a bearer protocol in a protocol stack." Independent claims 9, 13 and 19, which each have their own scope, recite at least some similar features. Applicant respectfully submits that the cited art fails to teach or suggest these features.

In the previous Response, Applicant argued that the combination of Arques et al. and Pimentel fails to teach or suggest using a bearer independent protocol in the transmission of a message and that the bearer independent protocol is above a bearer protocol in a protocol stack (see pages 12-14 of the previous Response). In response, the Office Action argued on pages 3 and 4 that:

> Pimentel clearly discloses the first protocol and second protocol, wherein the message is sent and receive based on the protocol such as **UDP, and IP** (See page 3, par. [0030], page 4, par. [0038]) described in specific how the both end mobile devices in communication that send a message and receive a message used by protocols have supported by server application (backend system 84) on the wireless networks and The bearer independent protocol typically stands on top of a bearer transport protocol such a protocol UDP in connectivity by TCP/IP which common protocol link between the

difference systems, such as a Wireless Access Gateway to TCP/IP 'transmission control protocol/internet protocol'."

(All errors in original). The cited sections of Pimentel discuss that "[t]he wireless carriers (86) are connected to the WAG (82) via a Packet Data Network (PDN) (90), over a packet-switched protocol, such as **TCP/IP** or X.25" (paragraph [0030], emphasis added) and that "[t]he wireless device sends the MO message (which may, in one or more embodiments of the invention, be a **UDP** request)" (paragraph [0038], emphasis added). However, Applicant respectfully submits that the mention of these protocols is taken out of context and that Pimentel fails to teach or suggest the claimed features.

Per the above, Pimentel discusses that short messages may be sent from a backend system to a short message service center so that a message received from the backend system is converted into a form required by the short message service center. The message is then sent using UDP and IP (see paragraphs [0014], [0030] and [0038], of Pimentel). As discussed on page 2, lines 16-26, of the present application, in some embodiments, UDP may be a bearer protocol. Per the above, Pimentel also discusses that the back end system receives short messages from the short message service center. A message received using UDP and IP is converted to be in a form required by the backend system.

In other words, Pimentel discusses a backend system having a first form for a message and a short message service center having a second form for the message. As such, Pimentel discusses sending converted messages between a backend system and a

short message service center, not between a server and user equipment, as claimed. Applicant finds nothing in Pimentel that teaches or suggests these features. Further, as argued in the previous Response (filed October 30, 2007), Applicant finds nothing in Arques et al. that teaches or suggests these features. As argued previously:

> Arques clearly states that "communication between the SIM card and the mobile equipment ME is governed according to the BIP protocol (Bearer Independent Protocol)" and that the "BIP protocol enables the SIM card to use the communication means of the mobile equipment ME". Thus, Arques teaches that the BIP is used only within the mobile station and that no bearer independent protocol is used in the transmission of a message from the mobile equipment.

(Page 12, of the previous Response). As such, Pimentel and Arques et al., both individually and in combination, fail to render the claimed features obvious under 35 U.S.C. § 103(a).

Also, Applicant respectfully submits that the rejected dependent claims recite similar features to allowable claims 5, 7 and 12. Accordingly, Applicant respectfully submits that the rejected dependent claims are allowable for similar reasons.

Further, Applicant respectfully notes that the rejection contains many features that were not in the claims as amended in the previous Response. Applicant respectfully requests that the Examiner update the body of the rejection to address the features in the currently pending claims.

Claims 2-4, 6, 8, 10, 11, 14-18, 20 and 21 depend from claims 1, 9, 13 or 19 and add further features thereto. Thus, the arguments above with respect to the independent claims also apply to the dependent claims.

Per the above, <u>Pimentel</u> and <u>Arques et al.</u>, both individually and in combination, fail to teach or suggest the features of the above-rejected claims. Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

Conclusion

For at least the reasons presented above, it is respectfully submitted that claims 1-4, 6, 8-11 and 13-21 also patentably distinguish over the cited art. Accordingly, it is respectfully requested that the claims be allowed and the application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time